

Appl. No. : 10/674,848
Filed : September 29, 2003

REMARKS

This paper is in response to the final Office Action dated October 18, 2007. Applicants have amended the application as set forth above. Specifically, Claim 23 has been canceled without prejudice solely to advance the prosecution of the instant application. Claims 21 and 24 have been amended. Upon the entry of the amendments, Claims 21-22 and 24-40 are pending in this application. The amendments do not add new matter nor raise a new issue, as discussed below. Applicants respectfully request the entry of the amendments and reconsideration of the application in view of the above amendments and the following remarks.

Discussion of Claim Amendments

Claim 21 has been amended to incorporate the limitations of Claim 23, which is now canceled. Claim 24 has been amended to incorporate the limitations of Claim 20 from which they depended. As such, these amendments do not add new matter nor raise a new issue.

Discussion of Rejection Under 35 U.S.C. § 102

The Examiner rejected Claims 21-40 under 35 U.S.C. § 102(b) as being anticipated by *Rajakarunananyake* et al. (US 6,810,413) (hereinafter "*Rajak*"). Applicants respectfully disagree with the Examiner in light of the amended claims and arguments set forth in this office action response. Therefore, applicants respectfully request that the Examiner withdraw this rejection.

The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994).

Disclosure of *Rajak*

Rajak discloses systems and methods for Internet content delivery using wireless and wire technologies. *Rajak* Col. 2, lines 64-67. For the Examiner's convenience, Figure 3 of *Rajak* is reproduced below.

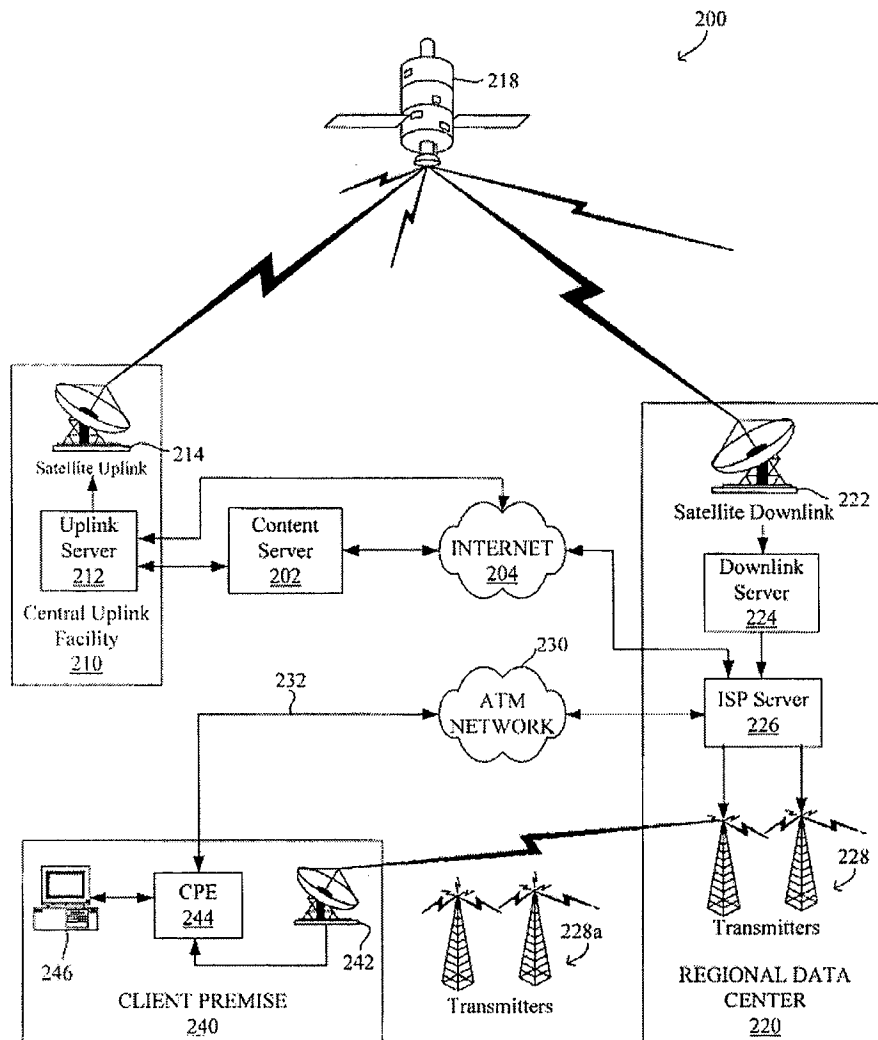


FIG. 3

Rajak's Internet content delivery system includes a content server 202, a central uplink facility 210, a satellite 218 and a regional data center 220. When an Internet content is requested, the content is supplied to the regional data center 220 via either wireless or wired connection. In the wireless connection, the central uplink facility 210 uplinks the Internet content to a satellite 218. *Rajak* Col. 5, lines 1-30. *Rajak's* satellite broadcasts the Internet content to a regional data center 220. *Rajak* Col. 7, lines 34-51. In the wired connection, the Internet content is sent to the regional data center 220 via the Internet.

Rajak teaches that the delivery of the Internet content from the regional data center 220 to the end user terminal 246 can also be via either wired or wireless connection. Thus, the regional data center 220 determines whether the Internet content is to be delivered to the end user terminal

246 **via wired or wireless** connection. *Rajak* Col. 10, lines 55-60 (step 508); Col. 9, lines 36-18; Col. 8, lines 63-66; Col. 6, lines 66-67. *Rajak's* client premise 240 includes a client premise equipment (CPE) 244, the end user terminal 246, and optionally a wireless receiver 242. *Rajak* Col. 3, lines 5-24. The regional data center 220 can determine to deliver the Internet content via wired connection if the client premise 240 does not have a wireless receiver. Also, the regional data center 220 can determine to deliver the Internet content via wireless connection if the data requires a large bandwidth to transmit such as streaming multimedia data, thereby reducing the traffic in the ATM network 230. In the wireless transmission, the regional data center 220 sends the Internet content to the transmitters 228 only one time. Then, the transmitters 228 wirelessly retransmit the Internet content to many end users who attempt to access the same content.

However, *Rajak* does not teach or suggest determining whether a device supports multicasting. Nor does *Rajak* teach or suggest the end user terminal or equipment communicates with another device to determine whether that device supports multicasting. Although the end user terminal can send a request for Internet content, *Rajak* does not teach or suggest that the end user terminal sends the Internet content to a multicasting address of any device for further transmission of the Internet content to other users. *Rajak* does not teach or suggest that the end user terminal determines whether the Internet content is available for multicasting at the regional data center or any other devices. Further, *Rajak* does not teach or suggest that any of its devices communicates with any end user terminals to verify whether a device providing internet connection to the end user terminal supports multicasting.

Claim 21

Claim 21 is directed to a method of receiving multicast data. The method of Claim 21 includes, among other features, the features of connecting, by a user terminal, to a content providing server via a DSL network comprising a local DSL device; requesting, by the user terminal, a desired content from the content providing server; and communicating, by the user terminal, with a multicast box associated with the local DSL device. The method further includes the features of receiving, by the user terminal, a command from the multicast box to determine whether the local DSL device supports multicasting; communicating with the local DSL device, by the user terminal, to determine whether the local DSL device supports multicasting; and receiving, by the user terminal, the data from the multicast box or the local

Appl. No. : 10/674,848
Filed : September 29, 2003

DSL device.

Rajak does not teach all of the features of Claim 21. More specifically, *Rajak* does not disclose the claimed feature of receiving, by the user terminal, a command from the multicast box to determine whether the local DSL device supports multicasting. Nor does *Rajak* disclose the claimed feature of communicating with the local DSL device, by the user terminal, to determine whether the local DSL device supports multicasting. The Examiner contends that *Rajak*'s col. 8, lines 36-62 and col. 10, lines 6-31 teach these features; however, these sections of *Rajak* teaches none of these claimed features explicitly or implicitly. All *Rajak* does regarding determination is to determines whether to send the Internet content via wired connection or wireless connection.

As such, *Rajak* does not teach every feature of Claim 21. Applicants respectfully assert that *Rajak* cannot be an anticipatory reference against Claim 21. Further, Claims 22, 25 and 28 depend on Claim 21 and define additional technical limitations. Accordingly, at least for the same reason as in Claim 21, Claims 22, 25 and 28 are not anticipated by *Rajak*. Therefore, Applicants respectfully request the Examiner to withdraw the rejection of Claims 21, 22, 25 and 28.

Claim 24

Claim 24 is directed to a method of receiving multicast data. The method includes, among other features, the features of connecting, by a user terminal, to a content providing server via a DSL network comprising a local DSL device; requesting, by the user terminal, a desired content from to the content providing server; communicating, by the user terminal, with a multicast box associated with the local DSL device; and receiving, by the user terminal, the data from the multicast box or the local DSL device. Further Claim 24 recites that if the local DSL device supports multicasting, the user terminal transmits the data received from the multicast box to a multicasting address of the local DSL device so as to enable the local DSL device to multicast the data to other user terminals connected to the local DSL device.

Rajak does not teach the features of Claim 24. More specifically, *Rajak* fails to teach the claim feature that the user terminal transmits the data received from the multicast box to a multicasting address of the local DSL device so as to enable the local DSL device to multicast the data to other user terminals connected to the local DSL device. The Examiner contends that

Appl. No. : 10/674,848
Filed : September 29, 2003

Rajak's col. 8, lines 36-62 and col. 10, lines 6-31 teach these features; however, these sections of *Rajak* teaches none of these claimed features explicitly or implicitly. As such, *Rajak* does not teach every feature of Claim 24. Applicants respectfully assert that *Rajak* cannot be an anticipatory reference against Claim 24.

Claim 29

Claim 29 is directed to a method of receiving multicast data. The method of Claim 29, among other features, includes the features of connecting, by a user terminal, to a content providing server via a DSL network comprising a local DSL device; requesting, by the user terminal, a desired content to the content providing server; communicating, by the user terminal, with a multicast box associated with the local DSL device; determining, by the user terminal, whether the data is available for multicasting at the local DSL device; and receiving, by the user terminal, the data from the local DSL device or the multicast box.

Rajak does not teach the features of Claim 29. More specifically, *Rajak* fails to teach at least the claim feature of determining, by the user terminal, whether the data is available for multicasting at the local DSL device. Applicants kindly note that Office Action did not address this claim feature. As such, *Rajak* does not teach every feature of Claim 29. Applicants respectfully assert that *Rajak* cannot be an anticipatory reference against Claim 29 and its dependent claims, Claims 30-34.

Claim 35

Claim 35 is directed to a method of relaying multicast data from a content providing server to a terminal connected to a DSL network. The method includes the features of: providing a multicast box that is associated with a local DSL device; receiving, by the multicast box, data for a content from a content providing server; communicating, by the multicast box, with a first user terminal to verify whether the local DSL device supports multicasting; and transmitting, by the multicast box, the data to the first user terminal.

Rajak does not teach the features of Claim 35. More specifically, *Rajak* fails to teach at least the claim feature of communicating, by the multicast box, with the first user terminal to verify whether the local DSL device supports multicasting. Applicants kindly note again that Office Action did not address this claim feature and any other claim features at all. As such, *Rajak* does not teach every feature of Claim 35. Applicants respectfully assert that *Rajak* cannot

Appl. No. : 10/674,848
Filed : September 29, 2003

be an anticipatory reference against Claim 35 and its dependent claims, Claim 36-40.

Dependent Claims

Although Applicant has not addressed all the issues of the dependent claims, Applicant respectfully submits that Applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the Examiner, and Applicant believes that each claim is patentable on its own merits. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompts allowance of the claims.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above.


In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/3/08

By: 
Mincheol Kim
Registration No. 51,306
Attorney of Record
Customer No. 20,995
(949) 760-0404